

RESPONSE AND REMARKS

TELEPHONE INTERVIEW SUMMARY

The telephone interview with Examiners Colan and Al-Hashemi on April 25, 2007 is gratefully acknowledged with appreciation. As required by the rules, it is respectfully submitted that the substance of the interview is included in the substance of the amendments to the Claims and in the substance of the below-given Response and Remarks.

It is noted that to facilitate the April 25, 2007 telephone interview, the Examiner requested, and attorney for Applicant provided, an outline of topics for discussion that included exemplary proposed Claim amendments to exemplary Claims 23, 25 and 28. The telephone interview was conducted with reference to the outline of topics, the references cited in the Office Action, and the specification, drawings and Claims of the present application.

In the April 25, 2007 telephone interview, no agreement was reached as to allowable Claim language; the Examiner indicated that amendments to the claims filed in response to the Office Action would be considered.

OBJECTIONS TO THE CLAIMS AND RESPONSIVE REMARKS

In the Office Action, Claims 23, 25 and 28 were objected to on the grounds that "Claims 23, 25, and 28 include parenthesis in the claim language." *Office Action*, Topic No. 6, p. 2. The Office Action did not cite any rule or section of the Manual of Patent Examination Procedure ("MPEP") proscribing the use of parenthesis.

The MPEP describes only a few specific punctuation requirements for claim language. For example, MPEP § 608.01(m) requires that "[e]ach claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations." MPEP § 608.01(m) specifically allows the use of parentheses, explaining, for example, that "[r]eference characters corresponding to elements recited in the detailed description and the drawings may be used ... reference characters, however, should be enclosed within parentheses"

It is respectfully submitted that it is not improper to use parenthesis to offset references to claim elements and or claim steps, as demonstrated, for example, in the claims of the issued Knight patent (U.S. Patent No. 6,515,681; "Knight," cited by the Office Action as grounds for rejecting the claims of the present application under Section 103(a); including claims (e.g., Claims 26, 38 and 42) that use parenthesis to offset references to claim elements of a program claim (Claim 26) and claim steps of a method claim (Claims 38 and 42)).

In the April 25, 2007 telephone interview, it was explained by the Examiners that the numbering/identification of the various elements was objected to; it was proposed that the element references be renumbered. The Claims have been amended to renumber the element references. It is believed, and respectfully asserted, that the amendments resolve the objections.

REJECTIONS UNDER SECTION 103(a)

In the Office Action, Claims 23-28 were rejected under U.S.C. § 103(a) as being unpatentable over Knight in view of Buck, et al., (U.S. Patent No. 6,078,866, "Buck").

RESPONSIVE REMARKS REGARDING § 103(a) REJECTIONS

The rejections of the Claims have been carefully considered.

As a matter of general perspective, it is respectfully submitted that the Claims of the present application do not merely claim message boards in general. On the contrary, as explained further below, the Specification of the present application not only mentioned the existence of message boards, but provided an overview of message boards. See, e.g., Specification, p. 1, line 21 – p. 2, line 5 (explaining that user messages on message board displays are typically sorted by some sort order, for example, by "date", by "subject", or by "thread.>"). As new user messages are entered by various respective users, the totality of the user messages are resorted for display. See, e.g., Specification, p. 30, lines 18-23. Consequently, the user messages of a message board are constantly shifting in position as new user messages are entered

and as the totality of user messages is sorted for display. See, e.g., FIG. 4a (a copy of which is reproduced later, below).

Further, it is respectfully submitted that the Claims of the present application do not merely claim hypertext links in general, or combining hypertext links with listings, or combining hypertext links with message boards.

Rather, as explained further below, the Claims of the present application are, in summary, directed to displaying advertising links at *fixed positions* in a message board display that comprises an ever-changing plurality of position-shifting user messages that are displayed at variable line positions, according to a sort order; the fixed positions of the displayed advertising links are independent of the sort order of the position-shifting user messages.

The Claims have been amended to more distinctly claim the claimed invention as outlined in the above-given summary. For the reasons given, and the authorities cited below, it is respectfully asserted that that none of the cited references, whether considered alone or in combination, disclose, anticipate, teach or suggest all of the limitations of amended Claims 23-28 of the present application.

The following summaries of present application and the cited references are provided as background for subsequent discussion of distinctions between amended Claims 23-28 and the cited references.

The Specification of the present application (the "Specification") describes the general state of the art of message boards:

A message board system works by using one or more user interface applications that prompt users to input information into designated fields. Once completed, the input is submitted to a central server, recorded on one or more databases, and output to a web page that displays the information for others to read and reply to with their own message.

Message board displays are traditionally sorted by "date", by "subject", or "thread". Messages displayed by "date" puts the most recent message at the top of the board, while messages displayed by "subject" show the title of the message and the numerical number of replies.

A message "thread" is a series of messages that are direct or indirect replies to each other and discuss a common subject. The message "thread" can be thought of as a family tree where a "parent" can have "children" or the replies to that message, if there is more than one reply to the message there can be

multiple children and if there are replies to the replies a "generation" of parents, siblings, and children can occur all under the initial message.

Specification, p. 1, line 21 – p. 2, line 5.

It is respectfully asserted that the disclosure of Knight is in accord with the description in the Specification of the present application regarding the general state of the art of message board. See, e.g., Knight, col. 1, line 56 – col. 2, line 19.

The Specification of the present application explains that a message board display is constantly changing as new user messages are added to the message board. For example, the Specification of the present application explains with respect to an exemplary embodiment, that "[t]he message board interface 600 is composed of applications that enable the display of user messages to be shifted down the message board page 1200 as new message, e.g., 102, are added; at the same time, the message board interface 600 will display EALOs (embedded adverting links) in positions within the message board page 1200 that are permanent and do not shift up or down on the message board page 1200." Specification, p. 30, lines 18-23.

It is respectfully submitted that Knight is in accord with the disclosure of the Specification of the present application that a message board display is constantly changing as new user messages are added to the message board. See, e.g., Knight col. 1, line 56 – col. 2, line 19.

The Claims of the present application are directed to generating a message board display comprising both [free] user messages from users and [paid-for] hypertext links by advertising subscribers. See, e.g., Claim 23 ("generate the message board display comprising ... each user input message ..., and ... each respective hypertext link"); Claim 28 (... for each respective Internet-based message board of the plurality of Internet-based message boards, generate a display comprising: ... each respective user message ..., and ... each respective hypertext link"). That is, various embodiments of the Claims of the present application would produce a message board display comprising both paid-for advertising offers/hypertext link entries and [free] user message entries.

Various embodiments of the Claims of the present application would produce a

message board display in which paid advertisements would be displayed at *certain fixed line positions* within the message board display of a plurality of line positions; user messages would be displayed at other variable line positions that would shift in position as new user messages are added, according to a sort order (e.g., date, subject, or thread). See, e.g., Claim 23 (“generate the message board display comprising ... each respective hypertext link displayed at the corresponding fixed line number of the message board display, independent of the sort order.”).

Even as new user messages are added and the line positions of previous user messages are shifted to make way for the new user messages, various embodiments of the Claims of the present application would cause the [paid-for] advertisements to remain displayed at their respective fixed line positions. See, e.g., Claim 24 (“...update the message board display with a new user input message displayed at a respective variable line of the plurality of message board display line positions, relative to the beginning message board line position, according to the sort order; and ... preserve the message board display of the hypertext link position at the corresponding fixed line number of the message board display.”).

FIG. 4a of the present application, a reduced-size version of which is presented below for convenient reference, depicts the reservation of certain fixed-position lines for [paid-for] advertisements in a display of shifting-line-position user messages. In particular, FIG. 4a of the present application explains that “[s]pecific lines are reserved for the [embedded advertising link offers]” FIG. 4a of the present application further explains that “... these lines remain permanent and do not shift down the board as new messages are added” FIG. 4a of the present application still further explains that, “... even as users add messages ... the [embedded advertising link offer] position always stays the same”

In FIG. 4a, in the box labeled 100-1, there are eleven (11) lines of text. In FIG. 4a, in the box labeled 100-1, a first “Embedded Advertising Link” is shown as being presented at Line 1, and a second “Embedded Advertising Link” is shown as being presented at Line 10. In FIG. 4a, in the box below the box labeled 100-1, there are twelve (12) lines of text – one new user message, “A NEW MESSAGE IS ADDED ...,”

has been added. In FIG. 4a, in the box below the box labeled 100-1, the first "Embedded Advertising Link" is shown as still being presented at Line 1, even though there are now twelve lines of text, rather than only eleven lines of text as there were in the box labeled 100-1. In FIG. 4a, in the box below the box labeled 100-1, the second "Embedded Advertising Link" is shown as still being presented at Line 10, even though there are now twelve lines of text, rather than only eleven lines of text as there were in the box labeled 100-1.

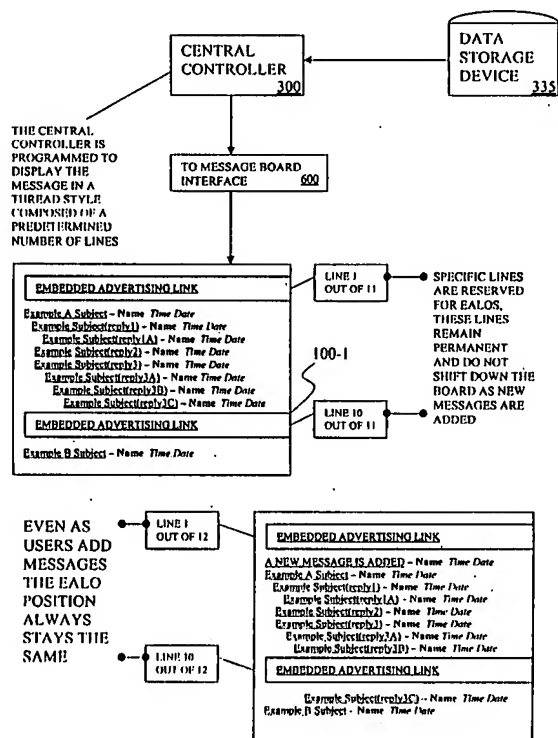


FIG. 4a

As compared to displaying advertising links at fixed line numbers or positions in a message board, it is respectfully submitted that *Knight* describes various features for searching and filtering message board content. In particular, *Knight* discloses "[a] program and graphical user interface ... for facilitating user interactions with an online message board system." *Knight*, Abstract. According to *Knight*, "[t]he interface provides multiple levels of filtering and screening capability with query parameters" *Knight*, Abstract.

Buck discloses searching a listings database of site listings provided by subscribers. See, e.g., Buck, Abstract. The site listings of Buck include, among other things, "a denominated value to be paid by the subscriber as a subscription fee for the site listing." Buck, Abstract. In Buck, a search report is provided that ranks site listings according to the subscription fee paid by the subscriber. "The higher the amount paid for a given subscription period in relation to other listers, the higher the site's ranking on the ... search reports." Buck, Abstract. Notably, Buck discloses ranking site listings according to subscription fees paid by subscribers (see, e.g., Buck, Abstract) but does not disclose any other universe of search report listing sources, such as, for example, user messages, as recited by the Claims of the present application. Further, although Buck discloses a report of site listings, the Buck search report is "ranked" according to the fee paid (see, e.g., Buck, Abstract); Buck does not indicate displaying a site listing at a fixed position in the report. Further, Buck also discloses that "the Web site titles 3a ... are also hyperlinks to the sites ..." Buck, col. 6, lines 25 - 26.

In rejecting Claim 23, the Office Action asserted, among other things, that:

Knight in view of Buck discloses: ... a corresponding fixed line number within a plurality of message board display lines for the message board display, for a display of the respective hypertext link (Fig. 3D, and 4, item 365, and 415 and 430, Col. 16 and 20, lines 50-55 and 18-27; respectively, Knight; and Fig. 4A, Col. 6, lines 23-28, Buck) ...

Office Action, Topic No. 8, p. 4. The Office Action made similar assertions regarding Knight and Buck with respect to Claims 25 and 28. See, e.g., Office Action, Topic No. 8, p. 5-9.

As a matter of record, Applicant respectfully disagrees with the above-mentioned assertions, and with various assertions, by the Office Action regarding the disclosures of Knight and Buck. In particular, it is respectfully asserted that there is no disclosure in Knight or Buck to display paid advertising entries on, or at, fixed line positions within a constantly changing message board display of [free] user messages as is the subject matter of the Claims of the present application.

In particular, it is respectfully asserted that the citation in the Office Action of FIG. 3D and element 365 of Knight does not support the assertion that Knight and/or Buck

disclose the limitations of, e.g., Claim 23. Knight describes element 365 as "... an additional pop-up window 365 providing more detailed information, including a ranking identifying the online name of the most prolific authors, the number of postings they have made, the date of the most recent posting, etc." Knight, col. 18, lines 47-51. It is respectfully asserted that the above-cited explanation of Knight regarding element 365 does not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at the corresponding fixed line number of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

Similarly, it is respectfully asserted that the citation in the Office Action of FIG. 4, and items 415 and 430 of Knight does not support the assertion that Knight and/or Buck disclose the limitations of Claim 23. Knight describes element 415 as "... a content extraction and posting routine 415" Knight, col. 21, lines 24-26. Knight describes element 430 as "... a series of software search robots 430." Knight, col. 21, lines 47-48. It is respectfully asserted that the above-cited explanations of Knight regarding elements 415 and 430 do not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at the corresponding fixed line number of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

Further, it is respectfully asserted that the citation in the Office Action to Column 16, lines 50-55 of Knight does not support the assertion that Knight and/or Buck disclose the limitations of Claim 23. The cited disclosure of Knight states:

Search this Group: this has the effect of making a text entry dialog box appear, and the code associated with the interface will search for and display those messages from the retrieved group which include that text.

Show Author's Messages: this has the effect of displaying within display area 320 only those messages from the retrieved group that were posted by the author of the selected message.

Knight, col. 16, lines 48-55. It is respectfully asserted that the above-cited explanations of Knight do not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at

the corresponding fixed line number of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

Yet further, it is respectfully asserted that the citation in the Office Action to Column 20, lines 18-27 of Knight does not support the assertion that Knight and/or Buck disclose the limitations of Claim 23. The cited disclosure of Knight states:

By extracting and tabulating keywords in such posting and queries, a numerical ranking or index can be built of subjects that are apparently of current interest to the community; thus, the particular company is one of the more highly mentioned data items, it will appear higher in the numerical ranking/index. Similar examples will be apparent for other fields of interest, such as medicine,This numerical index can be used on a daily basis by the service provider to automatically extract information of interest to the online community in one of two manners ...

Knight, col. 20, lines 16-27. It is respectfully asserted that the above-cited explanations of Knight do not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at the corresponding fixed line number of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

Further still, it is respectfully asserted that the citation in the Office Action to FIG. 4A of Buck does not support the assertion that Knight and/or Buck disclose the limitations of Claim 23. FIG. 4A of Buck is described by Buck as "... a diagram of the results of the denominated-value search service following an index search query."

Buck, col. 5, lines 17-18. It is respectfully asserted that the above-cited explanations of FIG. 4A of Buck do not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at the corresponding fixed line number of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

Yet further still, it is respectfully asserted that the citation in the Office Action to Column 6, lines 23-28 of Buck does not support the assertion that Knight and/or Buck disclose the limitations of Claim 23. The cited disclosure of Buck states:

The results are displayed, as shown in FIG. 4A, with a display 1a of the keyword or Boolean search syntax, the denominated values 2a ordered from highest to lowest, the Web site titles 3a (which are also the hyperlinks to the sites), the site descriptions 4a, and the URLs and category locations 5a.

Buck, col. 6, lines 23-28. It is respectfully asserted that the above-cited explanations of Buck do not in any way disclose the limitations of amended Claim 23 to "generate the message board display comprising ... each respective hypertext link displayed at the corresponding *fixed line number* of the message board display, independent of the sort order ...," or of similar limitations of amended Claims 25 and 28.

As a matter of record, Applicant respectfully disagrees with other similar characterizations in the Office Action of Buck and Knight asserted with respect to Claims 25 and 28 for reasons similar to those given above and respectfully asserts that neither Buck nor Knight, nor any combination of the two references, disclose all of the limitations of amended independent Claims 23, 25 and 28.

As compared to any combination of the references of record, the Claims of the present application are directed to displaying advertising links *at fixed positions* in a message board display comprising position-shifting user messages that are displayed at variable line positions, according to a sort order; the fixed positions of the displayed advertising links are independent of the sort order of the position-shifting user messages.

It is respectfully submitted that, "... when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered." Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, (United States Patent and Trademark Office; Official Gazette Notices for November 22, 2005), § II.C (citing Diamond v. Diehr, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981) ("It is inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis. This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made."))).


It is respectfully asserted that, when all of the elements of the amended Claims are considered, there is no teaching or suggestion found in any of the references of

record of the combination of limitations as recited in the Claims of the present application to display paid advertising entries at fixed positions in a message board display comprising position-shifting [free] user messages that are displayed at variable line positions, according to a sort order such that the fixed positions of the displayed advertising links are independent of the sort order of the position-shifting user messages.

CONCLUSION

For the foregoing reasons and authorities, it is respectfully submitted that the invention disclosed and claimed in the amended Claims of the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,
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